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ROBERT S. YOUNG, JR.
LINDSAY YOUNG
ROBERT S. MARQUIS
ROBERT S. STONE
J. CHRISTOPHER KIRK
MARK K. WILLIAMS
JANIE C. PORTER
GREGORY E. ERICKSON
R. SCOTT ELMORE
TAMMY KAOUSIAS
BENÉT S. THEISS

McCAMPBELL & YOUNG

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

2021 PLAZA TOWER
POST OFFICE BOX 550
KNOXVILLE, TENNESSEE 37901-0550

(615) 637-1440
TELECOPIER (615) 546-9731

H. H. McCAMPBELL, JR. (1905-1974)
F. GRAHAM BARTLETT (1920-1982)

ALSO ADMITTED IN
VIRGINIA:
ROBERT S. MARQUIS

December 11, 1992

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DEC 14 1992

Via Federal Express

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

The Honorable Donna R. Searcy, Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

ATTN: Allocations Branch
Policy and Rules Division

Re: MM Docket No. 92-227

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FCC - MAIL ROOM

Dear Ms. Searcy:

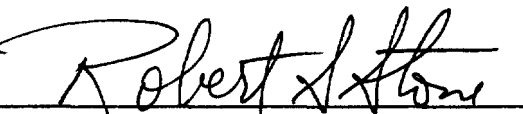
Enclosed please find an original and four (4) copies of the *Comments and Protest of Orchon Broadcasting Company*, submitted herewith on behalf of our client, Orchon Broadcasting Company. Also enclosed is an additional copy of the pleading to be returned to us in the enclosed postage paid, self-addressed envelope after it has been date stamped by your office.

Should you or any members of your staff have questions concerning the enclosed, please contact the undersigned for clarification. Thank you for your cooperation in this matter.

Very truly yours,

MCCAMPBELL & YOUNG, P.C.

By:


Robert S. Stone

RSS/dlb
Enclosures

cc: Orchon Broadcasting Company
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ORIGINAL RECEIVED
FILE DEC 14 1992

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b),)
Table of Allotments, FM Broadcast)
Stations. (Eatonton, Fayetteville,)
Greenville, Griffin, Hogansville,)
Sparta and Thomaston, Georgia,)
and Ashland, Alabama))

MM Docket No. 92-227

RM-8070

RM-8072

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DEC 14 1992

To: Chief, Allocations Branch

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COMMENTS AND PROTEST OF ORCHON BROADCASTING COMPANY

Orchon Broadcasting Company, permittee of WEJG(FM) (applied for), Greenville, Georgia ("Orchon"), by its attorneys, and pursuant to the Commission's *Notice of Proposed Rule Making and Order to Show Cause*, DA 92-1306, released October 23, 1992 ("NPRM"), hereby respectfully submits its Comments and Protest in response thereto.¹

1. Initially, Orchon takes this opportunity to restate its intention to promptly submit a construction permit modification application upon issuance by the Commission of its *Report and Order* granting Orchon's request that FM Channel 239C3 be allotted to Greenville in lieu of FM Channel 239A. Moreover, upon grant of its construction permit application, Orchon

¹ Orchon's Protest in response to the Commission's *Order to Show Cause* why Orchon's construction permit for FM Channel 239A should not be modified to specify 237A is based upon the same grounds which support Orchon's proposal for upgrade of Greenville, Georgia FM Channel 239A to 239C3, and modification of Orchon's construction permit accordingly rather than the proposals made in RM-8072. The above reference to Orchon's Protest is made so as to prevent any misconception on the part of the Commission or interested parties to the proceeding that Orchon will be deemed to have consented to the modification of its construction permit as proposed in the Commission's *Order to Show Cause*.

reaffirms its commitment to promptly construct its station consistent with its construction permit, as modified.²

2. On August 12, 1992, Orchon submitted to the Commission its Petition for Rule Making in which it requested the substitution of FM Channel 239C3 for FM Channel 239A at Greenville, Georgia. In support of its request, Orchon demonstrated that the substituted allotment could be made in full compliance with all minimum separation requirements. Moreover, Orchon noted that the requested substitution would allow it to increase service to the Greenville, Georgia vicinity, thus furthering the goals underlying the Commission's decision to permit co-channel "upgrades" without accepting competing applications. Specifically, grant of Orchon's request would promote spectrum efficiency and would be consistent with the Commission's policy of encouraging licensees and permittees to improve their facilities. *See, Report and Order, MM Docket No. 85-313*, 60 R.R.2d 114 (1986).

3. On August 14, 1992, a conflicting Petition for Rule Making was filed by Good Medicine Radio, Inc., licensee of WSKS(FM), Sparta, Georgia ("GMR") and Design Media, Inc., licensee of WQUL(FM), Griffin, Georgia ("DMI"). GMR and DMI have proposed the substitution of Channel 249C3 for Channel 249A on which WSKS operates at Sparta and the reallocation of that channel to Eatonton, Georgia, the substitution of Channel 248C3 for Channel 249A on which WQUL operates at Griffin, Georgia and the reallocation of that channel to Fayetteville, Georgia. In order to accommodate the above substitution/reallocation proposals, DMI and GMR request the substitution of channels now allotted to four other communities in

² Although no reference is made thereto in the NPRM, Orchon has filed an Application for Modification of Construction Permit to specify operation from a transmitter site at the coordinates proposed by it in this proceeding (File No. BMPH-920811ID). Thus, upon grant of its Petition for Rule Making and Application for Modification of Construction Permit, Orchon stands ready to promptly complete construction and commence operation of its broadcast facility to serve Greenville and surrounding areas.

Georgia and Alabama. Specifically, GMR and DMI request the substitution of Channel 239A for Channel 248A at Hogansville, Georgia and the modification of construction permit issued to WEIZ(FM) to specify Channel 239A at Hogansville, the substitution of Channel 237A for 239A for which Orchon's construction permit has been issued at Greenville, and the modification of Orchon's construction permit to specify Channel 237A at Greenville, the substitution of Channel 266A for Channel 237A on which WTGA, Thomaston, Georgia operates, and the modification of WTGA's license accordingly, and the substitution of Channel 238A for Channel 237A on which WASZ(FM), Ashland, Alabama operates, and the modification of WASZ's license to specify Channel 238A at Ashland.

4. Because of the conflict between Orchon's request for substitution of FM Channel 239C3 at Greenville and the request by DMI and GMR for the substitution of Channel 237A for Greenville, the NPRM has sought comments from all parties to the proceeding as to which proposal would better serve the public interest. Additionally, Orchon was requested to submit a gain area study showing the population and square kilometers of the increased area to be served by its proposal as set forth in *Greenup, Kentucky and Athens, Ohio*, 6 FCC Rcd. 1493 (1991).³

5. Pursuant to the Commission's request, attached hereto is Orchon's gain area study in support of its proposed substitution of FM Channel 239C3 for FM Channel 239A at Greenville. As can be seen, Orchon's proposal would envision no loss of coverage, even on a

³ Neither GMR nor DMI were directed to submit a gain area study pursuant to the methodology established in *Greenup*. It should be noted that neither the NPRM nor the Petition for Rule Making submitted jointly by DMI and GMR take into account either population weighting or existing services which are required for consideration consistent with *Greenup*. Orchon assumes that GMR and DMI will discharge their burden of calculating the "service value index" relative to their request. Should either petitioner fail to do so, Orchon reserves the right to provide its own calculations on reply.

theoretical basis, due to the fact that its station has not commenced operations and because its Class C3 service area would encompass all but a *de minimus* portion of its Class A service area.

6. As a threshold matter, however, Orchon notes that the changes in community of license proposed by GMR and DMI must themselves advance the Commission's allotment priorities, even had Orchon's own Petition not conflicted with their plan. *Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd. 4870, 66 R.R.2d 877 (1989) ("*Modification I*"), *recon. granted in part*, 5 FCC Rcd. 7094, 68 R.R.2d 644 (1990) ("*Modification II*"); *Eatonton and Sandy Springs, Georgia, and Anniston and Lineville, Alabama*, 6 FCC Rcd. 6580 (1991) ("*Sandy Springs*"). The Commission's allotment priorities which the GMR/DMI petition must advance, meanwhile, are set forth in *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88, 51 R.R.2d 807 (1982) ("*Second Report and Order*").

As noted in the NPRM, the Commission's allotment criteria are as follows:

- (1) First full-time aural service;
- (2) Second full-time aural service;
- (3) First local service;
- (4) Other public interest matters;
- (5) [Co-equal weight is given to priorities (2) and (3)].

7. In *Modification I*, the Commission stated that, in order to amend an allotment by changing its community of license, the Commission will compare the proposed allotment plan to the existing state of allotments for the communities involved, and if the proposed allotment plan results in a preferential arrangement of allotments by application of the FM allotment priorities, the proposal will be adopted (assuming, of course, that no conflicting proposal not involving a change in community of license would present a more attractive alternative) 4 FCC Rcd. at 4873. In *Modification II*, the Commission reaffirmed that proposals filed pursuant to the

new rule allowing changes in community of license would be examined in light of the Commission's long-standing allotment priorities and policies, and must advance the priorities in order to be granted. 5 FCC Rcd. at 7095. In order to insure that such priorities would be advanced, the Commission specifically referred to "other public interest matters," including the location of the proposed allotment with respect to other communities, and the availability of other services in the communities affected by the proposed change. "Under these circumstances, it is proper for the Commission to consider whether a proposal would result in shifting of service from an underserved rural to a well served urban area and the public interest consequences of any such change We recognize that an inflexible application of [the first local service preference], without further analysis, could consistently result in our finding that a reallocation leading to first local service for a suburb of a much larger adjacent metropolitan center justifies removing a local service from a more remote community. We wish to dispel any concern that our new rule would lead to such a result." *Id.* at 7096.

8. The Commission also clarified that its outright prohibition of the removal of an existing service representing a community's sole local transmission service was not intended to allow, wholesale, the removal of other existing services. "The public has a legitimate expectation that existing service will continue, and this expectation is a factor we must weigh independently against the service benefits that may result from reallocating a channel from one community to another, regardless of whether the service removed constitutes a transmission service, a reception service, or both." *Id.* at 7097 (emphasis added).

9. DMI/GMR claim that, "neither Griffin nor Fayetteville is located within the Atlanta Urbanized Area. Therefore, service provided by Atlanta stations should not be attributed to either community." *Petition for Rule Making, Technical Statement* at ¶15. The Petition goes on to point out that the community of Fayetteville provides fire and police services, is governed

by "an elected mayor and five member city council," has its own post office, banks, and (numerous businesses), and is the county seat of Fayette County. *Id.* Significantly, nowhere does the Petition reveal how far the community of Fayetteville lies from the Atlanta Urbanized Area.

10. As the attached photocopy of the relevant portion of the Atlanta Urbanized Area reflects, the community of Fayetteville is practically adjacent to the Atlanta Urbanized Area. The northeastern border of the community of Fayetteville lies only 4 kilometers (2.5 miles) from the Atlanta Urbanized Area. On this basis alone, Orchon respectfully submits that the DMI request for change of its community of license to Fayetteville would conflict squarely with the Commission's allotment priorities.

11. On numerous occasions, the Commission has examined proposals for the reallocation of FM channels to communities in or near urbanized areas. *See, Bon Air, Chester, Mechanicsville, Ruckersville, Williamsburg, and Fort Lee, Virginia*, 7 FCC Rcd. 6309 (1992); *RKO General, Inc. (KFRC)*, 5 FCC Rcd. 3222, 67 R.R.2d 1428 (1990); *Faye & Richard Tuck, Inc.*, 3 FCC Rcd. 5374, 65 R.R.2d 402 (1988); *Sandy Springs, supra*. In *Bon Air*, the Commission found the community of Williamsburg, Virginia to be part of the Norfolk-Virginia Beach-Newport News Urbanized Area, where the southeast border of Williamsburg was 9.7 kilometers (6 miles) from the border of Newport News. 7 FCC Rcd. at 6311. Like Fayetteville, Williamsburg was found to be an incorporated community with its own government, taxes, and municipal services, with several industries, including tourism. Nevertheless, based upon Williamsburg's proximity to the urbanized area and population relative thereto, Williamsburg was nevertheless considered part of the larger urbanized area.

12. In *RKO General, Inc.*, it was noted that only 35.1% of the residents of the community of Richmond worked in Richmond. In the case of Fayetteville, only 33.2% of the residents of the entire county of Fayette County worked inside their county of residence, as shown by the attached excerpt from the 1992 edition of *The Official County Guide of Georgia*. It is also significant that, like the community of Richmond, California, Fayetteville has no local daily newspaper (dailies from Atlanta deliver to Fayetteville), no major public hospital, and no local public transportation system, as shown by the attached excerpt from the publication, *Facts on Fayette, a Compilation of Economic and Demographic Data* from the Fayette County Chamber of Commerce located in Fayetteville, Georgia. Finally, it is significant that the governments of Fayetteville and other incorporated cities within Fayette County have affirmatively sought to be affiliated with the Atlanta Regional Commission, rather than the McIntosh Trail Regional Development Center. In that regard, attached are various materials which describe the process for affiliation with the Atlanta Regional Commission as opposed to the more rural McIntosh Trail Regional Development Center. Thus, even the community leaders of Fayetteville seek to identify with and be perceived as an integral part of the Atlanta metropolitan area. Finally, it is beyond dispute that the Atlanta Urbanized Area (population 2,292,928) is over 393 times the size of Fayetteville (population 5,827).⁴

13. In light of DMI's request to upgrade from a Class A facility to a Class C3 facility while moving its transmitter site 18 miles to the northwest toward Atlanta in order to serve its new community of license, whose population is less than 6,000 persons, it is readily apparent that, motivations aside, DMI's proposal reflects nothing more than yet another effort to migrate from a rural, more isolated community, Griffin, Georgia to the Atlanta metro market,

⁴ The Atlanta MSA, meanwhile, whose population is 2,833,511, is over 486 times the size of Fayetteville.

especially in light of the fact that the population of Griffin (21,347) is more than four times the size of Fayetteville and has only one competitive voice, a daytime only AM station.⁵ See, *Van Wert, Ohio and Monroeville, Indiana*, 7 FCC Rcd. 6519 (1992) (proposed new community of license, located 27.9 kilometers (17.3 miles) from center of city and eight miles from city limits of Fort Wayne, Indiana, although outside urbanized area, rejected in favor of existing community of license, seven times the size of proposed community and community of license for only one other competitive voice).

14. Indeed, it is ironic that DMI would seek to establish the independence of Fayetteville from the Atlanta Urbanized Area. Previously, when DMI and GMR's predecessor, Alexander Mitchell Communications Corporation, were seeking identical channel upgrades but not changes in community of license, the parties argued that the community of Bowdon, Georgia located several times farther away from Atlanta than Fayetteville, should be denied first local service preference due to its proximity to Atlanta. *Bowdon, Griffin, Hogansville and Sparta, Georgia*, 6 FCC Rcd. 4863 (1992), *pet. for recon. pending*. Such an argument was made, despite the fact that no proposed change of community of license was involved. In any event, it is clear that neither Fayetteville nor Eatonton, community of license for WKVQ(AM), is entitled to "first local transmission service" priority.⁶ The DMI/GMR proposal must therefore be assessed under allotment priority four (4) relative to the merits of its overall proposal, independently of Orchon's conflicting petition.

⁵ WHIE(AM), licensed to Griffin, Georgia operates with 5,000 watts during daytime hours on 1320 kHz. It is authorized to operate during nighttime hours with 83 watts. The Commission considers such facilities as "daytime only" stations. *Unlimited Time Operation by Existing AM Daytime-Only Radio Broadcast Stations: Discontinuance of Authorization of Additional Daytime Only Stations; Minimum Power of Class III Stations*, 4 FCC Rcd. 1738 (1989).

⁶ No claim has been made by DMI or GMR that any aspect of their proposal would provide first or second full-time aural reception service.

15. As noted previously, the population of Griffin, Georgia is more than four (4) times the population of Fayetteville, Georgia. It is the community of license for WHIE(AM), whose licensee is Telerad, Inc., and WKEU(AM)/WQUL(FM), whose licensee is DMI. Grant of DMI's request would thus leave the community of Griffin with only two AM facilities, and only one full-time service represented by WKEU, authorized to operate full-time with 1,000 watts on a frequency of 1,450 kHz. Griffin is also substantially farther from the Atlanta Urbanized Area than Fayetteville. *See, Beacon Broadcasting*, 2 FCC Rcd. 3469 (1987), *aff'd*, 66 R.R.2d 1088 (1989) (first local service denied in order to provide third local service to larger, more isolated community).

16. Just as DMI was conspicuously silent as to the actual proximity of Fayetteville to the Atlanta Urbanized Area, it has also failed to disclose that its proposal would immediately disrupt existing service to a population of 30,318 persons within an area of 968 square kilometers. As stated above, *Modification II* specifically held that the legitimate expectation by the public of continued existing service is a factor to be weighed independently against all other service benefits that might result from reallocating a channel from one community to another. 5 FCC Rcd. at 7097. In *Blackville, Branchville, Estill, Georgetown, Kiawah Island, Moncks Corner, and Walterboro, South Carolina and Richmond Hill, Georgia*, 7 FCC Rcd. 6522 (1992), the Commission held that the loss of reception service to 21,904 persons and the loss of a sole competitive transmission service to a community of 5,607 persons outweighs the benefits of providing a truly first local transmission service to a community of 718 persons, notwithstanding the fact that the proposed reallocation would result in service to an additional 289,127 persons. *Id.* at 6523. As set forth above, the facts are more compelling here, given Fayetteville's ineligibility for "first local transmission service" consideration, and the fact that the service gains proposed by DMI and GMR both result directly from penetration into the Atlanta Urbanized

Area. Finally, the disruption of existing service proposed by DMI would not be replaced even by the allotment of a new channel.

17. Although GMR's proposed change of community of license from Sparta to Eatonton does not implicate the migration of radio service from isolated rural areas to well served urban areas to the same extent as the proposal of DMI, GMR's proposal likewise includes the northwesterly transplant of its transmitter site 19 miles closer to Atlanta. Like DMI, GMR has failed to disclose that its proposal would result in a loss of service to a population of 3,342 persons within an area of 1,258 square kilometers. Moreover, the reallocation proposed by GMR would leave the community of Sparta, Georgia with only one local transmission service, recently constructed WHAN(FM). Again, although not to the extreme represented by DMI's proposal, the Commission's grant of GMR's request (which is contingent upon DMI's request) would cause disruption and loss of service to a substantial population which will not be replaced. The above detriments to the public interest are directly contrary to the Commission's allotment criteria and easily outweigh the "totality of the service improvements" presented by GMR/DMI, even when considering slight population service gains for WEIZ(FM), Hogansville, Georgia and WASZ(FM), Ashland, Alabama.⁷

18. Orchon has shown that the GMR/DMI Petition must be rejected as failing to advance the Commission's allotment priorities. While Orchon can appreciate the facially appealing nature of the population gains described by GMR and DMI which has led the Commission to initially conclude that soliciting comments on the proposal would serve the public

⁷ WTGA(FM), Thomaston, Georgia, plans to modify its license as a short-spaced assignment under § 73.215 of the Commission's rules, should its channel be changed from 237A to 266A. Thus, it intends to reduce its coverage area should the GMR/DMI Petition be granted.

interest, the Commission nevertheless must conclude that, in light of the irrefutable evidence presented by Orchon, the GMR/DMI Petition must be denied.

19. Comparatively, Orchon submits that its proposal provides a superior arrangement of allotments, given the substantial populations which would receive a new service where comparatively fewer services are presently received. In *Greenup*, the Commission emphasized the significance of this factor, over and above the calculation of the service value index attending each competitive channel upgrade proposal in a proceeding. 6 FCC Rcd. at 1495. Further, it bears repeating that Orchon's proposal would not require a loss or disruption of existing service, an issue not addressed in *Greenup*.

20. As set forth in the attached study conducted by Orchon's consulting engineer, the total population/service index for Orchon's proposed upgrade on Channel 239C3 is 5,993. Further, Orchon's proposed upgrade would provide a new service to 142,069 persons, representing an increase of 77,919 persons over its existing Class A authorization. Naturally, the raw population figures set forth above are significantly lower than the raw population figures provided by GMR/DMI, based upon the fact that both GMR and DMI seek to provide an additional reception service to the Atlanta metro area.

21. There is no doubt that Orchon's upgrade proposal would further the Commission's allotment priorities. On the other hand, the disruptive and urban-migratory proposal of GMR and DMI clearly disserves the public interest and is plainly contrary to the Commission's allotment priorities as set forth in its *Second Report and Order, supra*. While Orchon recognizes that its application to modify construction permit so as to specify a new transmitter site, filed August 11, 1992, predated the effective date of the Commission's action in *Conflicts Between Applications and Petitions for Rule Making to Amend the FM Table of Allotments*, 7 FCC Rcd. 4917 (1992), Orchon respectfully submits that the Commission's action

therein reflects a recognition of the compelling public interest benefits which would be furthered by a grant of Orchon's Petition, over and above the clear mandate against the Petition filed by GMR and DMI. Finally, while Orchon recognizes that GMR and DMI have agreed to literally build a new facility for WEIZ and have already paid cash to WTGA, thereby reducing the number of non-consenting permittees or licensees to two (2) at the time its Petition was filed, and escaping the prohibition set forth in *Columbus, Nebraska*, 59 R.R.2d 1184 (1986), such maneuvering is also contrary to the public interest in that it indirectly allows both WEIZ and WTGA to profit from the channel substitutions to which they have agreed. *Blacksburg and Roanoke, Virginia and Lewisburg, West Virginia*, 7 FCC Rcd. 5451 (1992) (reimbursement by party benefitting from change in channel available where licensee changes to channel of equal class, not upgrade). For the reasons set forth above, Orchon Broadcasting Company respectfully protests the Commission's proposed modification of its construction permit as proposed in the Commission's *Order to Show Cause*. Further, the public interest would best be served by the denial of the GMR/DMI Petition regardless of the comparative merit attributable thereto.

WHEREFORE, premises considered, Orchon Broadcasting Company respectfully urges the Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau, to adopt a *Report and Order*, consistent with "Option I" set forth in its October 23, 1992 *Notice of Proposed Rule Making and Order to Show Cause* in MM Docket No. 92-227.

Dated this 10th day of December, 1992.

Respectfully Submitted,

ORCHON BROADCASTING COMPANY

MCCAMPBELL & YOUNG, P.C.
Attorney for Orchon Broadcasting Company

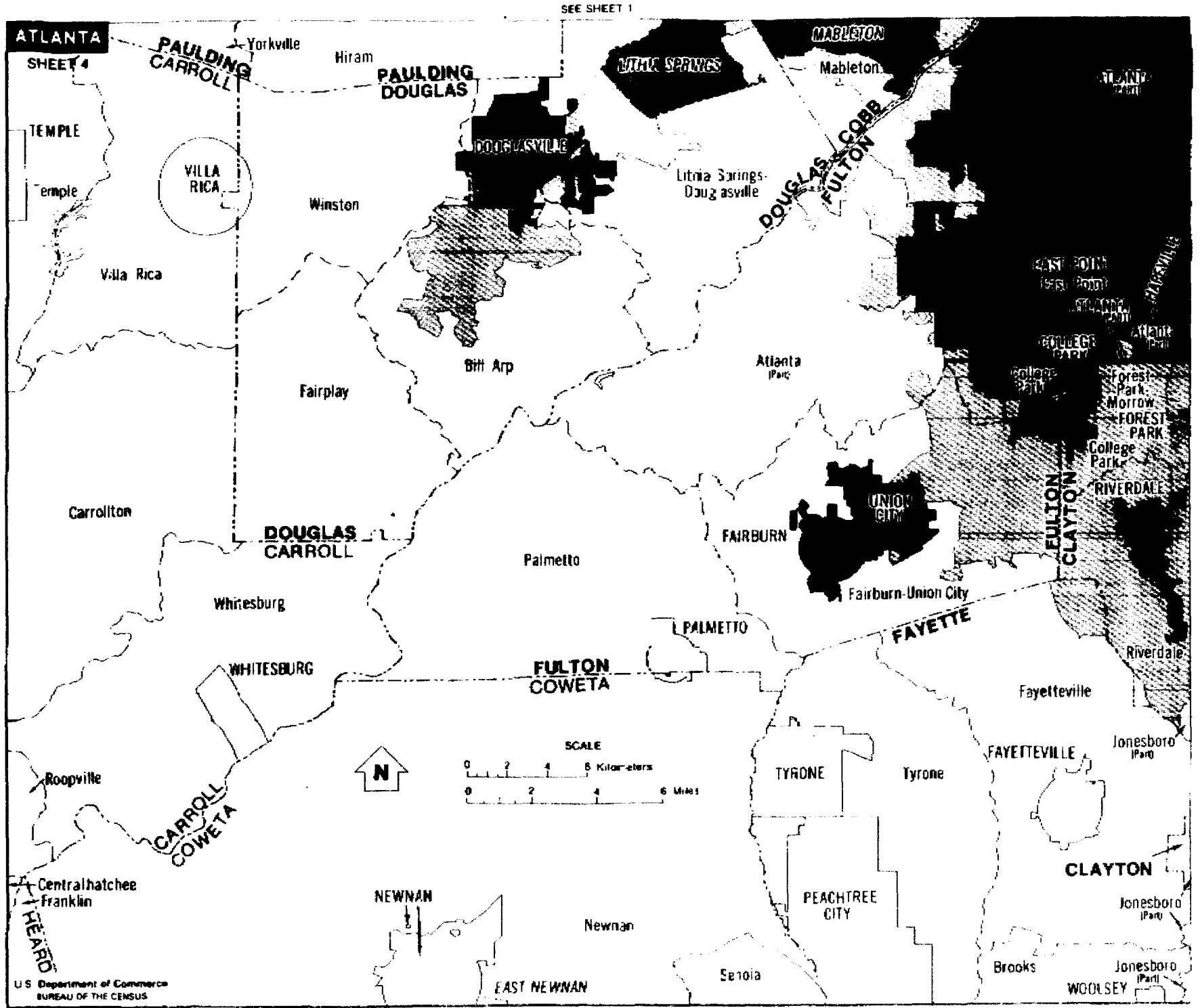
By: 
Robert S. Stone

MCCAMPBELL & YOUNG
A Professional Corporation
2021 Plaza Tower
Post Office Box 550
Knoxville, TN 37901-0550
(615) 637-1440

December 10, 1992

NUMBER OF INHABITANTS

GEORGIA 12-49



Urbanized Areas

Commuters, Travel Time, and Mode of Transportation: 1980

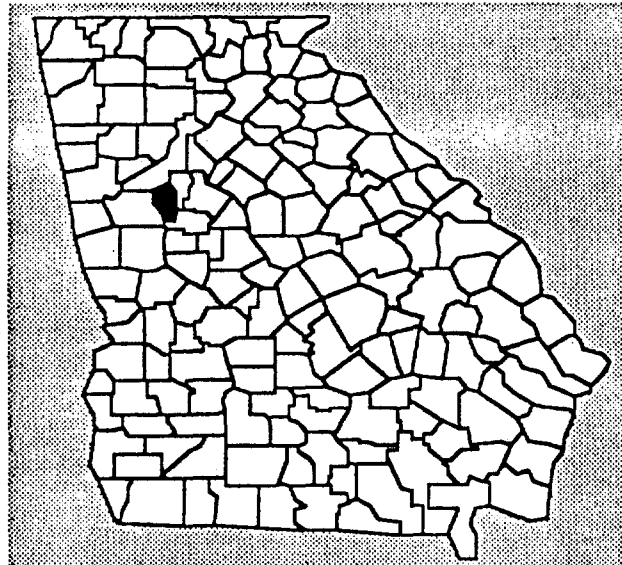
	1		1		Mean Travel Time (Minutes)	Car, Truck, or Van		Percent Public Means	Percent Walked Only	Percent Other Means	Percent Worked At Home
	Worked Inside County of Residence		Worked Outside County of Residence			Percent Drive Alone	Percent Carpool				
	Number	Percent	Number	Percent							
APPLING	3234	58.3	1270	22.9	19	63.9	26.0	0.4	4.2	1.2	4.4
ATKINSON	1133	54.7	759	36.6	24	61.4	30.6	0.0	3.8	0.3	3.9
BACON	2490	73.9	451	13.4	14	66.8	20.5	0.8	4.6	1.5	5.7
BAKER	593	42.2	564	40.1	25	55.9	34.7	0.3	4.6	1.5	3.1
BALDWIN	11353	83.0	1427	10.4	17	73.2	21.4	1.2	2.8	0.7	0.8
BANKS	1105	29.2	2423	64.1	23	58.3	28.9	1.9	6.3	1.6	3.0
* BARROW	5535	61.7	2887	32.2	23	64.6	30.0	0.4	2.6	1.1	1.3
BARTON	12609	73.2	3862	22.4	21	66.2	28.4	0.7	2.6	1.0	1.1
BEN HILL	5067	84.4	546	9.1	14	74.0	20.1	0.4	3.3	0.8	1.4
BERRIEN	3760	66.9	1246	22.2	16	69.0	23.1	0.3	3.5	1.6	2.5
* BIBB	47752	78.6	8203	13.5	20	69.9	22.7	3.1	2.5	1.0	0.8
BLECKLEY	2557	58.1	1370	31.1	22	57.2	32.3	1.7	4.9	1.4	2.6
BRANTLEY	1038	32.8	1969	62.2	29	57.9	32.6	1.0	3.7	2.1	2.6
BROOKS	2932	56.7	1711	33.1	20	61.6	27.7	0.6	4.8	2.3	3.1
BRYAN	1279	34.0	2325	61.8	29	62.0	31.4	0.5	3.2	1.7	1.2
BULLOCH	11794	81.1	1688	11.6	17	65.4	24.3	0.3	5.6	2.1	2.3
BURKE	4828	71.8	1323	19.7	20	55.2	35.2	0.8	4.8	1.6	2.4
* BUTTS	2786	55.4	1944	38.6	26	61.3	32.8	1.2	2.6	0.7	1.4
CALHOUN	1072	53.9	577	29.0	20	57.7	34.6	0.2	5.8	0.7	1.1
CAMDEN	3927	72.5	780	14.4	20	62.1	29.0	1.6	4.0	2.3	1.0
CANDLER	1916	68.2	643	22.9	16	66.6	22.2	0.4	4.8	1.3	4.7
CARROLL	16919	72.5	4888	20.9	21	67.5	26.8	0.9	2.6	1.1	1.2
* CATOOSA	4115	25.4	11128	68.7	21	75.8	20.2	0.5	1.3	0.8	1.3
CHARLTON	1343	52.9	912	35.9	25	52.7	38.6	1.1	4.2	1.3	2.2
* CHATHAM	70330	85.1	4804	5.8	21	67.7	18.6	5.6	5.1	1.9	1.1
* CHATTAHOOCHEE	11321	79.8	1398	9.9	10	25.2	15.8	1.5	48.1	5.2	4.2
CHATTOOGA	6267	71.3	1931	22.0	21	62.5	30.2	0.3	4.6	1.2	1.2
* CHEROKEE	8254	35.7	13336	57.7	31	65.2	29.1	0.6	1.9	1.2	2.1
* CLARKE	27649	83.0	2899	8.7	16	66.7	20.0	3.2	5.8	2.6	1.8
CLAY	627	60.3	216	20.8	17	53.5	34.7	0.5	7.2	2.7	1.5
* CLAYTON	29432	41.3	37295	52.4	24	75.0	20.8	1.4	1.2	1.0	0.6
CLINCH	2208	83.4	245	9.3	17	64.5	28.1	0.5	4.4	1.4	1.2
* COBB	68032	44.9	72425	47.8	25	76.0	19.4	1.2	1.2	1.1	1.2
COFFEE	8304	83.8	846	8.5	16	67.4	22.6	0.8	3.8	1.5	4.0
COLQUITT	9408	64.3	1969	13.5	19	68.3	23.3	0.6	4.2	1.0	2.7
* COLUMBIA	3539	20.2	12606	71.8	23	74.3	21.5	0.3	1.5	1.6	0.8
COOK	3327	63.0	1222	23.2	18	69.2	21.8	0.2	5.1	1.4	2.3
* COWETA	10504	64.4	4369	26.8	23	68.4	27.0	0.3	2.1	1.0	1.3
CRAWFORD	857	29.5	1806	62.1	29	59.1	34.8	0.6	3.3	1.3	0.8
CRISP	4824	66.4	805	11.1	16	67.7	23.2	0.8	3.9	1.6	2.8
* DADE	1758	37.5	2646	56.5	26	59.4	29.5	0.5	7.9	1.3	1.5
DAWSON	943	45.7	997	48.4	27	62.1	29.2	0.0	5.6	0.3	2.9
DECATUR	6355	64.6	1107	11.3	19	66.7	25.6	0.7	3.2	1.6	2.3
* DEKALB	112887	46.0	112110	45.7	25	69.3	17.5	9.4	1.6	1.0	1.2
DODGE	3808	63.5	1672	27.9	21	71.0	23.6	1.0	2.4	0.5	15.0
DOOLY	2444	61.3	771	19.4	18	61.3	27.5	0.4	5.7	2.3	2.8
* DOUGHERTY	33615	82.0	2088	5.1	17	73.2	19.3	1.7	2.6	1.5	1.0
* DOUGLAS	6273	26.9	15719	67.4	29	69.0	27.4	0.7	0.9	1.1	1.0
EARLY	3540	73.8	620	12.9	16	65.0	26.8	0.5	4.3	1.7	1.7
ECHOLS	246	32.0	472	61.5	26	64.8	29.2	0.1	1.8	0.5	3.7
* EFFINGHAM	1859	29.1	4102	64.2	29	64.6	29.6	0.1	1.6	22.1	2.0
ELBERT	6030	75.9	1335	16.8	18	69.7	24.5	0.2	3.1	0.6	2.0
EMANUEL	6092	79.2	917	11.9	18	64.3	28.3	0.0	3.9	1.0	2.6
EVANS	2291	73.0	596	19.0	17	61.1	25.6	0.4	8.0	1.8	3.1
FANNIN	2850	58.4	1863	38.2	24	90.5	23.4	1.6	1.9	1.0	1.6
* FAYETTE	4337	33.2	7991	61.1	27	74.0	21.8	0.9	0.7	1.4	1.2
FLOYD	29278	85.0	3080	8.9	20	74.2	19.3	1.5	3.0	1.0	1.1
* FORSYTH	4715	37.0	7231	56.8	30	64.3	30.4	0.5	1.8	0.9	2.3
FRANKLIN	3443	56.1	2322	37.8	22	63.3	28.9	0.0	3.9	0.8	3.2
* FULTON	176276	70.0	49665	19.7	26	61.3	15.8	17.4	3.3	0.9	1.3
GILMER	2997	71.0	1033	24.5	25	64.6	26.4	1.2	3.0	1.0	3.8
GLASCOCK	363	39.8	405	44.5	22	60.1	30.8	0.0	3.9	2.4	2.9
GLYNN	21752	89.4	877	3.6	17	72.2	20.8	1.0	3.3	2.0	0.8
GORDON	9980	76.9	2637	20.3	18	71.3	23.2	0.3	2.1	1.1	1.9
GRADY	5107	66.5	1655	21.5	18	62.7	27.3	0.9	3.9	2.2	3.0
GREENE	3188	74.0	740	17.2	21	55.0	36.2	1.3	4.9	0.9	1.8
* GWINNETT	28873	35.0	48428	58.7	26	72.9	22.6	1.3	0.9	1.1	1.1
HABERSHAM	8281	81.0	1541	15.1	18	68.0	24.1	1.1	4.1	0.9	1.9
HALL	28041	80.3	4506	12.9	20	72.0	21.5	0.8	3.1	1.1	1.7
HANCOCK	1216	38.5	1453	46.0	27	44.2	48.0	1.2	4.4	1.0	1.4
HARALSON	5050	66.6	2202	29.0	21	66.8	27.3	0.5	2.8	0.6	1.9
HARRIS	2253	34.9	3662	56.8	25	66.8	27.2	0.8	3.0	1.2	1.0
HART	4525	59.5	2294	30.2	18	66.2	27.4	0.3	3.0	1.1	2.0
HEARD	1040	42.0	1276	51.6	27	61.7	32.3	1.0	2.7	1.2	1.1
* HENRY	4615	28.8	10103	63.0	29	72.0	23.6	1.0	1.1	1.2	1.1
* HOUSTON	27035	79.4	5210	15.3	17	69.0	24.8	0.7	2.2	2.2	1.1
IRWIN	1794	53.0	1186	35.0	19	65.6	24.7	0.2	3.5	1.6	4.4
* JACKSON	5548	52.6	4456	42.2	21	65.7	27.9	0.5	2.4	0.8	2.7
JASPER	1635	57.2	945	33.1	27	60.4	32.9	1.5	3.8	0.7	0.8
JEFF DAVIS	3614	80.1	597	13.2	15	72.1	19.7	0.0	2.6	2.0	3.6
JEFFERSON	4697	70.1	1106	16.5	18	56.4	33.9	0.5	4.9	2.2	2.1
JENKINS	2333	71.2	659	20.1	19	62.8	27.1	0.3	4.8	3.9	1.2
JOHNSON	1683	52.9	1097	34.5	23	55.0	38.3	0.4	3.8	0.8	1.7
* JONES	1334	19.9	4618	68.7	25	71.1	24.9	0.8	2.1	0.7	0.5
LAMAR	2497	52.9	1870	39.6	22	62.7	30.0	0.6	3.4	2.7	0.6

Georgia Economic Profile

Fayetteville Fayette County

Population

	City	County	GA (millions)	U.S.
1950	1,032	7,978	3.4	151.3
1960	1,389	8,199	3.9	179.3
1970	2,160	11,364	4.6	203.2
1980	2,715	29,043	5.5	226.5
1990	5,827	62,415	6.6	243.0
2000	n/a	n/a	7.8	259.8



Located 15 miles southeast of Atlanta.

Per Capita Income

	County	GA	U.S.
1970	\$3,492	\$3,300	\$3,893
1980	10,998	8,348	9,919
1985	17,556	12,619	13,896
1986	18,463	13,508	14,597
1987	19,718	14,323	15,425
1988	20,673	15,268	16,510
1989	21,789	16,050	17,592

Education

COMMUNITY SCHOOLS. 17 county public schools with 834 teachers, 12,431 students, and 775 high school graduates in 1990. 4 private schools with 606 students in 1990.

HIGHER EDUCATION. Vo-Tech: Griffin Tech. Inst. at Griffin (18 miles) has 1,179 students. There are 20 colleges and universities and 4 junior colleges in the Atlanta area with a total enrollment of 85,000 students.

Health

16 MD's.
18 dentists.
Peachtree City Medical Center.
Clayton General Hospital (15 miles) with 367 beds.
2 hospitals at Newnan (20 miles) with 244 beds and 2 nursing homes with 174 beds.

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Commercial Services

COMMUNICATIONS. Local Newspapers: 3 weeklies. Dailies delivered: Atlanta Constitution, Atlanta Journal. 7 TV channels received (cable available).

FINANCIAL FACILITIES. 1 bank and 4 branch banks with \$36.5 billion in assets. 2 S&L branches with \$2.8 billion in assets.

INDUSTRIAL SUPPORT SERVICES. Tool & die shop at Jonesboro (9 miles). Fabricating, finishing, forming, machining, electric motor repair at Peachtree City (10 miles). Casting at Atlanta (15 miles).

PUBLIC ACCOMMODATIONS. 8 restaurants (largest capacity 80).

Municipal Services

FIRE PROTECTION. 3 full-time personnel and 16 volunteers. Fire insurance classification 5.

POLICE PROTECTION. 11 full-time officers and 4 full-time radio dispatchers.

GARBAGE. Private sanitation service (residential). Commercial garbage pick-up provided by city.

PROFESSIONAL ENGINEER. 2 consultants.

ZONING. City and county have zoning ordinance and subdivision design standards.

Recreation

FACILITIES. 15 tennis courts. 6 parks. 1 golf course. 7 swimming pools. 1 country club. Riding stables. More than 40 miles of jogging trails.

STATE PARK. Stone Mountain State Park (30 miles) with swimming, fishing, camping, sailing, canoeing, picnicking, boating.

PUBLIC LAKE/RIVER. Lake Peachtree (10 miles) has fishing, non-powered boating.

YEARLY EVENTS. Art show at courthouse. Easter Egg Hunt. Horse Show. Golf tournaments. July 4th Parade. Craft show. Yule Log Burning. Builders' Tour of Homes.

SCENIC ATTRACTIONS. Fayette County Courthouse. Lake Peachtree. Tinsley Mill.



Utilities

ELECTRICITY. A part of Georgia's modern integrated electrical transmission system, Fayetteville has excellent ability to supply industrial demands. Compared to 47% for the U.S., coal accounts for 84% of fuel used by the state's power generating plants. This assures long-term continuity.

NATURAL GAS. Available in industrial quantities on both a firm and an interruptible basis.

WATER. Plant capacity: 200,000 gal/day and buys supplementary water from county. Consumption: 700,000 gal/day average. Storage capacity: 180,000 gal. elevated, 120,000 gal. ground. Source: Lake Peachtree and Ginger Lake Creek.

SEWAGE. Plant capacity: 750,000 gal/day. Plant load: 250,000 gal/day. Primary treatment plant.

Taxes

PROPERTY. Property taxes are determined by tax rates and assessment ratios which vary by location. The only realistic way to compare property taxes for different locations is to use "effective tax rates" (tax rate multiplied by assessment ratio). Effective tax rates combine city, county, school, and state tax rates into one convenient figure — the annual tax for each \$1000 of property at its fair market value. This rate applies to all property: land, buildings, machinery, equipment, and inventory

<u>Property Located</u>	<u>1990 Effective Rate</u>
Within City	\$14.03
Outside City	\$12.71

INVENTORY. Fayette County exempts 100% on all classes of certain business inventory from property taxation.

SALES. City and county have 1% local sales tax in addition to the 4% state sales tax.

Transportation

MOTOR FREIGHT CARRIERS. 3 interstate. 33 inter/intrastate.

RAIL. Norfolk Southern rail service at Fayetteville (local). Norfolk Southern piggyback service at Atlanta (29 miles). CSX rail service at Fayetteville (local). CSX piggyback service at Atlanta (29 miles).

WATER. Nearest navigable river: Chattahoochee (9 foot channel depth) with a public barge dock at Columbus (90 miles). Nearest seaport: Savannah (220 miles) with a maintained channel depth of 38 feet.

AIR. Nearest commercial air service: Atlanta (15 miles). Airlines: ALM, Aeropostal, Air Jamaica, American, Atlantic Southeast, British Airways, Cayman Airways, Continental, Delta, Japan Air Lines, KLM, Lufthansa, Midway, Midwest Express, Northwest, Pan American, Swissair, TWA, United, USAir. Nearest public airport at Peachtree City (10 miles). 4,600 foot asphalt runway. Services and navigational aids: aircraft tiedown, airframe & power plant repair, hangar, lighted runway, fuel.





GEORGIA DEPARTMENT OF
COMMUNITY AFFAIRS

COMMISSIONER
Jim Higdon

GOVERNOR
Joe Frank Harris

MEMORANDUM

TO: Interested Parties
FROM: Jim Higdon, Commissioner
DATE: October 4, 1990

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SUBJECT: Fayette County's Transfer into the Atlanta Regional
Commission

At its regularly scheduled meeting held September 12, 1990 the Board of Community Affairs formally approved the transfer of Fayette County from the McIntosh Trail Regional Development Center to the Atlanta Regional Commission. The Board further provided that the transfer shall become effective July 1, 1991, provided the General Assembly ratifies the Board's action at its 1991 Session.

Attached is a copy of the resolution approved by the DCA Board. Should you have any questions regarding this matter, please contact me. Thank you.

JH/gds

Enclosure: as stated

RESOLUTION

WHEREAS, Georgia law [O.C.G.A. 50-8-3 (f)] authorizes the Board of Community Affairs to determine and establish, from time to time, the territorial boundaries of Regional Development Centers (RDCs); and

WHEREAS, any Board action altering RDC boundaries shall not be effective until approved by the General Assembly at the next regular session following such action; and

WHEREAS, the Board of Community Affairs has adopted procedures authorizing local governments to petition the Board to change RDC boundaries; and

WHEREAS, Fayette County has petitioned the Department to transfer from the McIntosh Trail RDC to the Atlanta Regional Commission; and

WHEREAS, the governments of Brooks, Fayetteville, Peachtree City and Tyrone have all passed resolutions supporting the proposed transfer; and

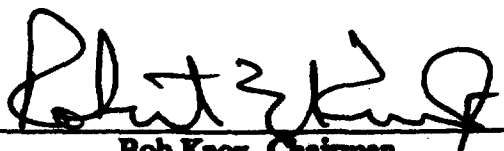
WHEREAS, all procedural requirements have been satisfied, including a public hearing held August 8 at which good cause was shown supporting Fayette County's transfer into the Atlanta Regional Commission.

NOW, THEREFORE, BE IT RESOLVED that Fayette County's petition to transfer its membership from the McIntosh Trail RDC to the Atlanta Regional Commission is approved.

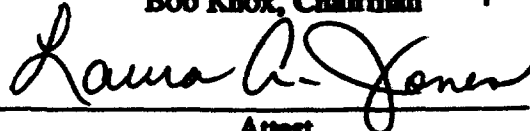
IT IS FURTHER RESOLVED that the department submit this resolution to the General Assembly for its consideration and approval at the 1991 Session.

IT IS FURTHER RESOLVED that Fayette County's transfer into the Atlanta Regional Commission, if approved by the General Assembly, shall become effective on July 1, 1991.

Adopted September 12, 1990



Bob Knox, Chairman



Attest

H. R. No. 15 (AS PASSED HOUSE AND SENATE)
 By: Representatives Lane of the 27th and Heard of the 43rd

A RESOLUTION

1 Ratifying the alteration of regional development 27
 2 center boundaries established by the Board of Community 28
 3 Affairs; to provide an effective date; and for other 29
 4 purposes.

5 WHEREAS, subsection (f) of Code Section 50-8-4 of 32
 6 the Official Code of Georgia Annotated authorizes the Board 33
 7 of Community Affairs to determine and establish, from time 34
 8 to time, the territorial boundaries for the region of
 9 operation by each regional development center and provides 35
 10 that any action of the board altering the boundaries of a 36
 11 regional development center shall not become effective until 37
 12 approved by the General Assembly at the next regular session 38
 13 following such action by the board; and

14 WHEREAS, Fayette County has petitioned the Board of 41
 15 Community Affairs to transfer from the McIntosh Trail 42
 16 regional development center to the Atlanta Regional 43
 17 Commission; and

18 WHEREAS, on September 12, 1990, the Board of 46
 19 Community Affairs adopted a resolution granting formal 47
 20 approval to Fayette County's transfer into the Atlanta 48
 21 Regional Commission and providing for such transfer to 49
 22 become effective on July 1, 1991, if approved by the General 50
 23 Assembly; and

24 WHEREAS, the request for legislative approval of 53
 25 said transfer has been submitted to the General Assembly in 54

1 accordance with subsection (1) of Code Section 50-4-4 and it 11
2 is the desire of this General Assembly to ratify and approve 12
3 said transfer. 13

4 NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL 14
5 ASSEMBLY OF GEORGIA that the transfer of Fayette County 15
6 the McIntosh Trail regional development center to the 16
7 Atlanta Regional Commission, to become effective on July 1, 17
8 1991, and alteration of the territorial boundaries, to 18
9 become effective on July 1, 1991, for the region of 19
10 operation by such regional development centers adopted and 20
11 approved by the Board of Community Affairs on September 12, 21
12 1990, is ratified and approved. 22

13 BE IT FURTHER RESOLVED that this resolution shall 23
14 become effective upon its approval by the Governor or upon 24
15 its becoming law without such approval. 25

CRITERIA AND PROCEDURES FOR GEORGIA
APDC BOUNDARY CHANGES

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CRITERIA FOR CHANGE

The following criteria will be used by the Board of Community Affairs for the transfer of a county or counties from one Area Planning and Development Commission to another:

1. The applicant county must be contiguous to the APDC to which it seeks to transfer or to a county which is simultaneously seeking transfer to the same APDC, except in the case when a county is surrounded by non-member counties.
2. Two-thirds of the affected municipalities in the applicant county must concur in the proposed transfer. The two-thirds threshold must include two-thirds of the municipalities and two-thirds of the municipal population in the applicant county.
3. Final action will not be taken on an application if approval would result in the existing APDC falling below the standard of a minimum of five (5) counties and a population of 85,000. Provided, however, that the DCA Board may waive this requirement under extraordinary circumstances.
4. Approval of transfers will be made only for cause as determined by the Board of Community Affairs based on information provided by the applicant in item 5e., Procedures for Change.
5. An affirmative majority vote of the Board of Community Affairs will be required for approval.
6. The transfer will not be recognized as accomplished until all stipulated procedures have been completed.

PROCEDURES FOR CHANGE

The following procedures will be used for the transfer of a county or counties from one Area Planning and Development Commission to another:

1. A "Notification of Intent" must be filed with the Department of Community Affairs at least 180 days prior to the end of the State fiscal year.
2. The notification of intent must cite the name of the existing APDC and the APDC to which the applicant seeks to transfer.

APDC BOUNDARY PROCEDURES

Page Two

3. Within two (2) weeks from the date of filing of the Notification of Intent, the Department of Community Affairs will acknowledge receipt and authorize the submission of a formal application.
4. The formal application must be filed with the Department of Community Affairs at least 120 days prior to the end of the State fiscal year.
5. The formal application must contain the following information and supporting documentation:
 - a) A resolution by the applicant county setting forth their proposal to transfer to another APDC.
 - b) Supporting resolutions from at least two-thirds of the municipalities within the applicant county constituting at least two-thirds of the municipal population in the county.
 - c) A resolution from the APDC to which the transfer is proposed expressing their willingness to accept the applicant(s) for membership.
 - d) A resolution from the APDC which the applicant county is leaving expressing their willingness to permit the applicant to withdraw from their membership.
 - e) A statement of cause with citations as to how the proposed transfer can remedy the situation for the applicant.
6. Upon receipt of the formal application, the Board of Community Affairs will initiate a review process.
7. During the review process, the Department of Community Affairs may attempt mediation.
8. If mediation is successful, the formal application may be withdrawn.
9. Unless the application is withdrawn, the Board of Community Affairs will set a hearing to be held within sixty (60) days of the date of receipt of the formal application. Notification of all parties will be made at least two (2) weeks prior to the date of the hearing. The notification will cite the date, time, and place of the hearing.